

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BARRY ANTHONY VANN,

Plaintiff,

v.

MIKE VANDENBROOK,
R.N. STEVE HELGERSON,
and OFFICER JOHN DOE 1,

Defendants.

ORDER

09-cv-007-bbc

This is a civil action for monetary and injunctive relief brought pursuant to 42 U.S.C. § 1983. On February 2, 2009, plaintiff Barry Anthony Vann was granted leave to proceed in forma pauperis on his Eighth Amendment claim of deliberate indifference against defendant Vandebrook, Helgersen and John Doe 1.

Now before the court is plaintiff's amended complaint in which he identifies the John Doe defendant as Officer Bittleman. At the preliminary pretrial conference held before Magistrate Judge Stephen Crocker on April 6, 2009, plaintiff was instructed to complete his service of his discovery requests to identify the Doe defendant by no later than April 20, 2009. Dkt. #16, at 4. In addition, plaintiff was given until June 1, 2009 to submit an

amended complaint identifying the Doe defendant. Id., at 4-5. Plaintiff was instructed “not make any other changes to his complaint without first asking for and receiving permission from the court.” Id., at 5.

On April 13, 2009, plaintiff filed his discovery request to identify the Doe defendant, dkt. #18, and on May 21, 2009, he filed his amended complaint in which he identified Bittleman as that defendant. I note that Bittleman was dismissed in the initial screening order because plaintiff’s original complaint failed to state a claim that Bittlemen neglected his medical needs. In the amended complaint, plaintiff alleges that, despite knowing that plaintiff was suicidal, Bittleman handed plaintiff a razor and nail clipper, which he used to cut himself. Accordingly, I will grant plaintiff’s motion for leave to amend his complaint and I will allow him to proceed on his claim that defendant Bittleman was deliberately indifferent to plaintiff’s serious medical needs.

ORDER

IT IS ORDERED that

1. Plaintiff Barry Anthony Vann’s’s motion for leave to amend his complaint, dkt. #19, is GRANTED. The amended complaint is accepted for filing this date.
2. Plaintiff is now proceeding on the following Eighth Amendment claims of deliberate indifference:

- against defendant Mike Vandebrook for refusing to respond to his repeated threats of suicide;
- against defendant Bittleman for giving plaintiff a blade and nail clipper after he had expressed suicidal desires; and
- against defendant Steve Helgersen for refusing to treat petitioner's self-inflicted wounds.

Entered this 29th day of May, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge